

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 174

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 26-2-10 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 10. Repossessing Motor Vehicles or Watercraft

Sec. 1. As used in this chapter, "motor vehicle" means a vehicle that is self-propelled.

Sec. 2. As used in this chapter, "motor vehicle repossession agent" means a person who physically repossesses a motor vehicle or watercraft on behalf of another person or on the person's own behalf.

Sec. 3. As used in this chapter, "repossess" or "repossesses" means to take possession of personal property used as collateral under IC 26-1-9.1-609.

Sec. 4. As used in this chapter, "sheriff's department of the county" includes a consolidated law enforcement department established in IC 36-3-1-5.1.

Sec. 5. As used in this chapter, "watercraft" has the meaning set forth in IC 9-13-2-198.5.

Sec. 6. (a) A motor vehicle repossession agent who repossesses or intends to repossess a motor vehicle or watercraft must provide the following information, if available, to the sheriff's department

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of the county having jurisdiction in the location where the motor vehicle repossession agent believes that the motor vehicle or watercraft will be found:

- (1) The identity of the repossession company.
- (2) A description of the motor vehicle or watercraft.
- (3) The name and address of the person believed to be currently in possession of the motor vehicle or watercraft (if the repossession has not yet occurred), or believed to have been in possession of the motor vehicle (if the repossession has already occurred).
- (4) The address where the motor vehicle repossession agent believes that the motor vehicle or watercraft will be found (if the repossession has not yet occurred), or the address where the motor vehicle was found when it was repossessed.

(b) A motor vehicle repossession agent must provide the information described in subsection (a):

- (1) before the repossession occurs; or
- (2) not later than two (2) hours after the repossession.

Sec. 7. A motor vehicle repossession agent who violates section 6 of this chapter commits a Class C infraction.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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